

**BOROUGH OF BERGENFIELD
PUBLIC NOTICE**

ORDINANCE 22-2606 - AN ORDINANCE TO ESTABLISH A NEW CHAPTER IN THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 312, ENTITLED "RESTRICTED AREAS IN BUILDINGS WHERE MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION"

was introduced at a Work Session Meeting of the Mayor and Council of the Borough of Bergenfield, in the County of Bergen, New Jersey, on Thursday, October 6, 2022 and will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Council Chamber Bergenfield Municipal Center, 198 North Washington Avenue, Bergenfield, New Jersey on Tuesday, October 18, 2022 at 8:00 p.m. prevailing time, or as soon thereafter as the matter can be heard.

A clear and concise statement is to secure certain areas of borough hall offices to safeguard public records, as set forth in the ordinance.

A copy of this ordinance may be obtained without cost between the hours of 8:30 a.m. and 4:30 p.m. at the office of the Borough Clerk, 198 North Washington Avenue, Bergenfield, New Jersey.

Marie Quinones, RMC
Borough Clerk
October 12, 2022

**BOROUGH OF BERGENFIELD
ORDINANCE 22-2606**

AN ORDINANCE TO ESTABLISH A NEW CHAPTER IN THE CODE OF THE BOROUGH OF BERGENFIELD, CHAPTER 312, ENTITLED, "RESTRICTED AREAS IN BUILDINGS WHERE MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION".

WHEREAS, Borough of Bergenfield officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information; and

WHEREAS, to adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required; and

WHEREAS, municipal officials assigned this responsibility include, but are not limited to; the Borough Clerk, the Police Chief, the Library Director, the Chief Financial Officer, the Tax Collector, the Tax Assessor, the Construction Code Officer, the Board of Health Secretary and Registrars of Vital Statistics, the Municipal Court Administrator, and the Borough Administrator; and

WHEREAS, the responsibility for the maintenance and safeguarding of records, reports, documents and information in municipal offices may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

WHEREAS, securing these records maintains the integrity of this information and when an Open Public Records Act request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law; and

WHEREAS, N.J.S.A. 40:48-6 authorizes the Mayor and Council to designate places within municipally-owned and leased buildings for the safe-keeping of books, valuable records, documents, and papers affording such security against fire and theft; and

WHEREAS, the Mayor and Council have designated the sections described herein as places where books, valuable records, documents and papers may be stored for safe-keeping pursuant to N.J.S.A. 40:48-6

WHEREAS, securing these records prevents outsiders/trespassers from simply walking into an office, grabbing some records, and leaving the building; and

WHEREAS, we cannot expect our municipal employees to physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the

process required by the Open Public Records Act.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bergenfield, County of Bergen, State of New Jersey, as follows:

SECTION 1

Municipal office areas in the Bergenfield Borough Hall, located at 198 N. Washington Avenue, and at the Bergenfield Free Public Library, located at 50 W. Clinton Avenue, have been secured and such offices are not open to the public for the purpose of protecting documents, digital data and other written, copied or printed materials that are not subject to the Open Public Records Act, which may include, but are not limited to, personally identifiable information that is protected by the Statutes of the State of New Jersey and the Federal laws of the United States.

SECTION 2

The Borough of Bergenfield shall be required to post signs outside of offices which read, "Restricted Area, Authorized Employees Only".

SECTION 3

Persons that trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3.

SECTION 4

This ordinance shall take effect after publication thereof and final passage as required by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Borough of Bergenfield on the 6th day of October, 2022 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Building in the Borough of Bergenfield, Bergen County, New Jersey, on the 18th day of October, 2022 at 8 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Borough Clerk